

## DOUBTS RULING ON EXCISE TAX

Attorney for Virginia Bankers' Association Believes Courts Will Favor Banks.

### SUGGESTS TEST CASE

State Institutions, He Thinks, Would Benefit by Liti-gating Issue.

Attorney George Bryan, of the Virginia Bankers' Association, in an opinion given yesterday in reply to the query of a Petersburg banking institution, takes issue with Commissioner Royal E. Cabell's recent ruling with regard to the deduction by banks from their gross incomes, when making returns for the Federal excise tax, of taxes paid by them for owners of the bank stocks.

Such taxes, the Commissioner of Internal Revenue holds, being assessed against the individual stockholder, represent the indebtedness of the individual stockholder. If, in order to avoid the trouble or the annoyance of the collection of such taxes, a banking corporation chooses to pay them for its stockholders, the amount so paid, the Commissioner contends, does not constitute a proper deduction from its gross income in the return for the special excise tax on corporations.

The fact that a number of Virginia banks had made these unlawful deductions caused Deputy Collector J. H. Wade, of the local revenue office, to mail circulars last week to the banks of the State informing them of the Commissioner's ruling. A severe penalty is provided for failure to make proper returns.

#### Doubts Cabell's Ruling.

The Petersburg bank asked for an expression as to the legality of the interpretation given to the Federal act by Commissioner Cabell. Mr. Bryan, in his reply, quotes from the act, as among the deductions that a bank may properly make, "all sums paid by it (the corporation) within the year, for taxes imposed under the authority of the United States or of any State or territory thereof."

Section 17 of the Tax Law of Virginia provides among other things that "no tax shall be assessed upon the capital of any bank... but the stockholders in such banks... shall be assessed and taxed on their shares therein." "Reduced to its simplest form," the lawyer holds, "the question is whether if the bank pays the taxes for the stockholder as it does under section 17 supra, they are paid by it within the meaning of the excise act, and are therefore a proper subject of deduction."

"Did Congress mean generally to allow bank taxes to be deducted? I am of the opinion that it did, and in whatever form they are paid, so long as they are intended by the State to cover the taxes represented by the assets of the bank, I believe that the court will look through the form to the substance and will hold that the tax is really paid by the bank—not merely by the stockholders. The statute of Virginia exempting the capital stock of the banks from taxation and placing the taxation upon the shares of the stock is, so far as my information goes, peculiar to this State."

**Suggests Test Case.** Mr. Bryan, in the opinion just quoted, recommends that the bank decide for itself whether the amount of the deductions is worth the cost of litigation and the fine which will be imposed if the court of last resort fails to sustain his view.

"I believe, however," he concludes, "that if it is shown to the court that the failure to comply with the request of the collector is due only to a manifest doubt as to the correctness of his contention, a nominal fine only will be imposed. The same question will arise annually as long as the act remains unamended and it might well be to the interest of the banks of the State to make up a test case and obtain a final decision as soon as practicable."

## VOTE IS AGAINST ISSUE OF BONDS

Total in Montgomery County Will Almost Be Two to One in Opposition.

(Special to The Times-Dispatch.) Christiansburg, Va., January 30.—In today's special election for bond issue to build a new county jail, eleven of the sixteen precincts of Montgomery County gave 24 votes against and 15 for bond issue. The remaining five precincts will be almost solidly against the bond issue, and total vote of the county will be 2 to 1 against it. Blacksburg gave 21 majority for bond issue and was the only precinct in county for it. Only one-fourth the usual vote was polled.

**"Lincoln's Double-Dead."** Waterville, Me., January 30.—The Rev. George Dana Boardman Pepper, former president of Colby College, and known as "Lincoln's Double," died here to-day, aged eighty years. Mr. Pepper in his early days was often mistaken for Lincoln. He was born in Ware, Mass., and was widely known as a theologian.

## The Working Man's Friend In Time of Sickness

I am a blacksmith by trade, and would like to say a word to all who have to work hard and suffer with their kidneys. I suffered for about ten years, and was treated by a Waynesboro, Va., doctor. He said that I had Bright's Disease and that he had done all he could for me. I read about Dr. Kilmer's Swamp-Root, and as I could hardly do a day's work, was willing to try anything that would do me any good. After taking Swamp-Root a few days I felt so much better that I continued until I felt that I was cured and I was altogether a new man. That was eight years ago, and if I ever feel the least pain about my kidneys I just take a few doses of Swamp-Root, and in a few days I am all right. I feel to-day that I am a well man, and would say to all who suffer with their kidneys, take Dr. Kilmer's Swamp-Root, for it has done more for me than all the doctors, and saved doctors' bills.

I can further say that about two years ago my son was sick in bed and was taking medicine from doctors and got worse all the time. I went in the night and got a fifty-cent bottle of Swamp-Root, and told him to lay aside all the doctors' medicines and take Swamp-Root. He took six bottles, and I am glad to say that he is well to-day and has not had any trouble with his kidneys since. It was Swamp-Root that cured him. My son now thinks that there is no medicine that a doctor can give that can compare with Dr. Kilmer's Swamp-Root.

Very truly yours,  
G. W. HARDING,  
Covington, Va.

Personally appeared before me, this 8th day of March, 1912, G. W. Harding, who subscribed the above statement and made oath that same is true in substance and in fact.

Given under my hand, this 8th day of March, 1912.  
B. H. PATTON,  
Justice of the Peace.

Letter to Dr. Kilmer & Co., Binghamton, N. Y.

**Prove What Swamp-Root Will Do For You** Send to Dr. Kilmer & Co., Binghamton, N. Y., for a sample bottle. It will convince any one. You will also receive a booklet of valuable information, telling all about the kidneys and bladder. When writing be sure and mention the Richmond Daily Times-Dispatch. Regular fifty-cent and one-dollar size bottles for sale at all drug stores.—Advertisement.

## COMBINE KEPT UP PRICES OF FISH

Trial of Alleged Trust Begun. Carnegie Hero Indicted for Selling Liquor.

(Special to The Times-Dispatch.) Wilmington, N. C., January 30.—Superior Court to-day commenced trial of the alleged fish trust cases in which two ex-Aldermen of Wilmington, W. H. Yopp and J. B. Fales, a former member of the Board of Education, D. J. Ferguson and several other well known citizens are charged with forming a monopoly in restraint of trade. There are scores of witnesses to be introduced and able counsel represent the State and defense.

The trial will hardly conclude before Saturday night and perhaps not then. It is charged that these fish dealers entered into a combine which stifled competition and kept up the price of fish.

The grand jury now in session is also said to be investigating an alleged meat trust in Wilmington as the outcome of disclosures that meat is sold higher in Wilmington than in other places, and on account of one meat firm recently renting all stalls in the big downtown market.

Besides these things the grand jury is causing a stir. This afternoon it returned a true bill against a young white man, Ben Cottle, charged with charging him with selling liquor. Cottle sprang into prominence several years ago by making a heroic rescue of a small boy in a runaway. He was awarded a Carnegie Medal, and a sum of money for his bravery. The money he used to embark in the drug business for himself.

A true bill was returned against W. L. Taylor and E. C. Dollar, two well known white men charged with usury. It is said they formed a co-partnership, which loaned negroes and poor white people sums of money at exorbitant interest.

### NO NEW DEVELOPMENTS

**Police Unable to Connect Haas With Young Woman's Death.** Lynchburg, Va., January 30.—There have been no developments in the case of Duval Haas, the young man who is in jail here charged with the betrayal of a young shoe factory worker, whose death occurred at the Lynchburg Hospital early Monday morning. Haas has not asked for bail since it was refused him Monday night, but it is believed now that he would be bailed if good security is produced. Although it seems pretty well established that the girl died under mysterious circumstances at the same time the police have not been able to connect Haas with her death in any way.

## FARMER TO STUDY PROFIT MAKING

Co-Operative Associations for Marketing to Be Discussed at Big Richmond Meeting.

Farmers of Virginia and of the entire South will gather in Richmond during the sessions of the Conference for Education in the South, April 15 to 18, for the purpose of devising ways and means for more profitable marketing of their products. The general meeting of farmers will be called to order at 10 o'clock Wednesday morning, April 15.

Low rates on the railroads are expected to increase the attendance. Dr. A. T. Bourland, executive secretary of the conference, believes that 400 farmers in Virginia, and fully as many more from other parts of the South, will be in attendance.

He bases this belief on the conviction that the men who till the soil are vitally interested in securing better profits.

The topic to be given the greatest attention is the formation of local co-operative associations through which the marketing will be done. Men from the Northwest, where the plan is in successful operation, will be present to explain the details, while men from the South who have seen the workings and who have started the same thing, will tell their experiences. There are more than 1,000 of these co-operative associations at work in Minnesota, and approximately the same number in Wisconsin.

For instance, the conference will study the best methods of putting eggs on the market, so that the consumer may be reached direct and in the most profitable way. The same thing will be studied in regard to poultry, to vegetables, to fruits, to stock. The conference will try to find out the most modern and approved and profit-making ways to make and to sell butter.

**Not for Educators.** Dr. Bourland objects in large measure to the word "education" as applied to the organization in which he is an official. It lends too much of an air of a teachers' meeting. This gives the public a mistaken idea of the real purport of these conferences. Their intention is to foster the community life of the South, so as to keep the boys on the farm, make these farms more profitable and give dignity and desirability to country life.

In working to this end, all forces are gathered—the farmer, the business man, the agricultural demonstrator, the school teacher—for the school must be made the center of the social as well as of the educational life of the community.

In a few words, it is strictly a layman's movement, and the teacher has no more to do with the conference than has anybody else.

### HIS SHORT TERM ENDED.

Senator Heiskell Bids His Associates In Senate Chamber Farewell.

Washington, January 30.—Senator John N. Heiskell of Arkansas, whose successor will take office tomorrow, bade farewell today to his twenty-two-day service as a senator.

"My successor is bearing down upon me," Senator Heiskell told his colleagues, "armed with a commission that will serve as a writ of dispossession for me. He will in turn serve but a short while when another will come to take his place for the long term. There is senatorial glory enough to go around if you keep it moving fast."

Senator Heiskell succeeded the late Senator Jeff Davis, January 9. His successor, W. M. Kavanaugh, who takes the oath to-morrow, will serve until March 4, when former Representative Joseph T. Robinson comes in.

"When I came here a few days ago I had difficulty in finding my way into the Senate," said Senator Heiskell, "but the Arkansas legislature had no difficulty in showing me the way out. I am leaving the Senate after this short service because of circumstances over which I have no control. Lately I have been spending my time in learning what rights, privileges, prerogatives and immunities a man has who has been a member of the Senate. After this service of twenty-two days I am going home to spend the rest of my life writing my reminiscences."

Senators from both sides of the chamber crowded about the young Arkansas member as he finished his speech and conducted a handshaking bee that for a time disturbed the business of the Senate.

## THE WEATHER.

Virginia: Fair Friday, local rains at night or Saturday; colder Saturday. North Carolina: Fair, warmer Friday; Saturday cloudy, probably local rains; colder in west and central portions.

**Special Local Data for Yesterday.**  
12 noon temperature..... 32  
5 P. M. temperature..... 42  
Maximum temperature up to 8 P. M. 42  
Minimum temperature up to 8 P. M. 29  
Mean temperature..... 46  
Normal temperature..... 38  
Excess in temperature to-day..... 8  
Excess in temperature since March 1, 1912  
Accumulated excess in temperature since January 1..... 254

Deficiency in rainfall since March 1..... 6.32  
Accumulated deficiency in rainfall since January 1..... 0.42

**Local Observations 8 P. M. Yesterday.**  
Temperature..... 32  
Humidity..... 56  
Wind—direction..... S. E.  
Wind—velocity..... 12  
Weather..... Clear  
Rainfall last twelve hours..... 0

### Conditions in Important Cities.

(At 8 P. M. Eastern Standard Time.)  
Place. Ther. H. T. L. T. Weather.  
Asheville..... 46 56 26 Clear.  
Atlanta..... 32 38 44 P. cloudy.  
Atlantic City..... 45 39 42 Clear.  
Boston..... 42 48 36 Clear.  
Buffalo..... 44 46 38 Clear.  
Calgary..... 18 26 16 Clear.  
Charleston..... 58 66 46 Clear.  
Chicago..... 48 50 38 Cloudy.  
Denver..... 30 38 P. cloudy.  
Duluth..... 14 22 14 Snow.  
Galveston..... 62 66 60 Cloudy.  
Hatteras..... 54 60 48 Clear.  
Havre..... 18 28 18 Snow.  
Jacksonville..... 60 68 48 Clear.  
Kansas City..... 56 48 35 P. cloudy.  
Louisville..... 54 64 44 P. cloudy.  
Montgomery..... 60 64 40 Clear.  
New Orleans..... 64 70 50 Cloudy.  
New York..... 46 48 32 Clear.  
Norfolk..... 42 40 40 Clear.  
Oklahoma..... 42 54 42 Clear.  
Pittsburgh..... 54 56 38 Clear.  
Raleigh..... 54 60 38 Clear.  
St. Louis..... 44 58 44 Rain.  
St. Paul..... 28 38 28 Clear.  
San Francisco..... 56 62 42 Clear.  
Savannah..... 56 64 52 Clear.  
Spokane..... 28 38 22 P. cloudy.  
Tampa..... 68 72 50 Clear.  
Washington..... 52 60 38 Clear.  
Winnipeg..... 4 10 4 Clear.  
Wyetville..... 46 50 24 Clear.

### Miniature Almanac.

High Tide. January 31, 1913.  
Sun rises..... 7:18 Morning..... 11:29  
Sun sets..... 5:31 Evening..... 12:34



**The World Goes Round and Bread Stays on Top**

Light Bread, when properly fermented, is the finest food on earth—the most nourishing, wholesome and digestible food for everybody. It gives strength to the worker, sustenance to the invalid and builds up the bodies of children. Light Bread made with Fleischmann's Yeast is the lightest, tastiest and most digestible. Always eat that kind.

Ask your grocer or baker for the Fleischmann book, "Good Things to Eat Made with Bread."

## SPECIAL COMMISSION TO STUDY AMENDMENTS

Will Formulate Report and Report to Called Session of Legislature.

(Special to The Times-Dispatch.) Raleigh, N. C., January 30.—The Senate voted 27 to 19 to-day for the appointment of the legislative committee from the Senate and eight from the House, and the commission of five by the Governor to constitute a constitutional amendment commission, as recommended by the joint committee and constitutional amendments. This commission is to consider all amendments proposed at this session, formulate these or other amendments and submit them to an adjourned or called session of the Legislature. The debate was long and spirited.

Governor Craig sent messages to each branch of the Assembly conveying the proposition of E. C. Duncan to purchase the State's stock in the Atlantic and North Carolina Railroad Company. However, he refrained from recommendation of any suit. The propositions were referred to the respective finance committees.

Justice of Guilford, introduced in the House and procured immediate passage of a bill to stop procreation of criminals, imbeciles and idiots by surgical operation in State institutions after hereditary incurability is established.

The bill by Stewart, of Mecklenburg, to make it a misdemeanor for a tenant to leave his crops, thereby breaking his contract with his landlord, came up, designed to apply to fifty or more counties, including Mecklenburg, and was passed 67 to 41, after two hours' debate.

Bills were offered in the Senate by Gilliam and in the House by Rodman establishing a fish-eries commission and regulating the fishing industry in accordance with the recommendations of the State Geological Survey.

Especially notable new bills in the House were by Gibbs, to impose \$2.00 license tax on every automobile manufacturer, the revenue to go to engineering assistance in road construction, and by Cox, a bill to stop procreation of criminals, imbeciles and idiots by surgical operation in State institutions after hereditary incurability is established.

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